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Addendum: Email Response from Mr. John Fuerst

From: John Fuerst <j122177@hotmail.com>

Date: Monday, August 23, 2021 at 6:54 PM

To: Clinton F Faison <c.faison@csuohio.edu>

Cc: Bryan J Pesta <b.pest@csuohio.edu>, Kenneth B Kahn <k.b.kahn@csuohio.edu>, Jianping Zhu <j.zhu94@csuohio.edu>, Sonali B Wilson <s.b.wilson@csuohio.edu>

Subject: Re: NIH FINAL DETERMINATION RE: DATA USE

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The raw and derived data was on the HPDF owned computer. Against my advice, Bryan deleted it, even though the contract required deletion only UPON CLOSEOUT.

As I explained directly to NIH, this data deletion forced me into noncompliance, because one is supposed to upload analytic datasets for presentations -- such as the one I recently gave in Germany -- and papers, such as the ones in press.

Obviously, I can not do this. I made clear to NIH that I expect them to take full responsibility for this resultant noncompliance. However, I am leaving Bryan off of authorships (at his request too) -- including him in only extended acknowledgements.

I think CSU is also responsible for this too, since I needed and asked for a few more days to upload these datasets to NIH repository. However, I am no longer affiliated, so I am not in a position to raise this complaint.

As, I informed NIH, CSU, and Professor Pesta I am going through and presenting and publishing my manuscripts, which I spent a year on. While this should have no bearing on the investigation of Professional Pesta, that, and the affairs if CSU, are no longer my concern.

If NIH wishes to inquire about something, they can directly contact me.

As for CSU, Please don't bother me again.
John

From: Clinton F Faison <c.faison@csuohio.edu>

Sent: Monday, August 23, 2021 5:58 PM

To: John Fuerst <j122177@hotmail.com>

Cc: Bryan J Pesta <b.pest@csuohio.edu>, Kenneth B Kahn <k.b.kahn@csuohio.edu>, Jianping



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Zhu <j.zhu94@csuohio.edu>; Sonali B Wilson <s.b.wilson@csuohio.edu>

Subject: Re: NIH FINAL DETERMINATION RE: DATA USE

Mr. Fuerst,

Thank you for your note. Can you confirm that you have destroyed any copies of NIH dbGaP data or data derivatives that were in your possession? A simple yes or no answer will suffice.

Regards,

Forrest Faison

Forrest Faison, M.D., Sc.D. (hon), FAAP
Senior Vice President, Research and Innovation
Chief, Health Strategy
Cleveland State University
Cleveland, OH
c.faison@csuohio.edu

From: John Fuerst <j122177@hotmail.com>

Date: Sunday, August 22, 2021 at 5:46 AM

To: Clinton F Faison <c.faison@csuohio.edu>

Cc: Bryan J Pesta <b.pest@csuohio.edu>, Kenneth B Kahn <k.b.kahn@csuohio.edu>, Jianping Zhu <j.zhu94@csuohio.edu>, Sonali B Wilson <s.b.wilson@csuohio.edu>

Subject: Re: NIH FINAL DETERMINATION RE: DATA USE

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All,

I am on the Camino de Santiago, in the middle of rural Spain, with intermittent internet access.

I can only write short text replies.

I will reply to NIH, when I get back, since they are in error on a number of points, to the point of either egregious bias or incompetence.

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However, CSU and professor Pesta should begin formally closing out the data -- which had to be done anyways by September.

Also, inform NIH that I used the plex server for the ABCD data, too-- The preprint for that paper is posted and the paper is due to be published soon.

That was done around March before they notified us of a problem. Now that they confirm that they see one, they should be notified.

Later,

From: Clinton F Faison <c.faison@csuohio.edu>

Sent: Friday, August 20, 2021 12:13 PM

To: John Fuerst <j122177@hotmail.com>

Cc: Bryan J Pesta <b.pest@csuohio.edu>; Kenneth B Kahn <k.b.kahn@csuohio.edu>; Jianping Zhu <j.zhu94@csuohio.edu>; Sonali B Wilson <s.b.wilson@csuohio.edu>

Subject: NIH FINAL DETERMINATION RE: DATA USE

Mr. Fuerst,

NIH has reviewed the appeal that Dr. Pesta and you lodged regarding NIH's decision to suspend access to dbGaP controlled data sets. Per the attached letters, NIH has sustained their determination that Dr. Pesta and you violated NIH's Data Use Certification (DUC) agreements and that your access to dbGaP data sets has been revoked. As you are no longer an authorized user of the data, you are required to destroy all dbGaP data and data derivatives and certify in writing that you have done so.

I urge you to comply with this decision and provide the letter certifying that you have complied with the Termination and Data Destruction clause of the DUC by end of day Monday, August 23, 2021.

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Regards,

Forrest Faison

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